

Subpart E—What Conditions Must a Grantee Meet?

§ 609.40 What are the matching requirements?

If an institution receives a grant in excess of \$500,000, it must spend non-Federal funds to meet the cost of at least 50 percent of the activities approved in its application.

(Authority: 20 U.S.C. 1063b)

§ 609.41 What are allowable costs and what are the limitations on allowable costs?

(a) *Allowable costs.* Except as provided in paragraphs (b) and (c) of this section, a grantee may expend grant funds for activities that are reasonably related to carrying out the allowable activities included in its approved application.

(b) *Supplement and not supplant.* A grantee shall use grant funds so that they supplement, and to the extent practical, increase the funds that would otherwise be available for the activities to be carried out under the grant, and in no case supplant those funds.

(c) *Limitations on allowable costs.* A grantee may not—

(1) Spend more than fifty percent of its grant award in each fiscal year for costs relating to constructing or maintaining a classroom, library, laboratory, or other instructional facility; and

(2) Use an indirect cost rate to determine allowable costs under its grant.

(Authority: 20 U.S.C. 1062, 1063b, and 1066)

§ 609.42 What are the audit and repayment requirements?

(a)(1) A grantee shall provide for the conduct of a compliance and financial audit of any funds it receives under this part by a qualified, independent organization or person in accordance with the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions, 1981 revision, established by the Comptroller General of the United States. This publication is available from the Superintendent of Documents, U.S. Government Printing Office.

(2) The grantee shall have an audit conducted at least once every two years, covering the period since the previous audit, and the grantee shall submit the audit to the Secretary.

(3) If a grantee is audited under chapter 75 of title 31 of the United States Code, the Secretary considers that audit to satisfy the requirements of paragraph (a)(1) of this section.

(b) An institution awarded a grant under this part must submit to the Department of Education Inspector General three copies of the audit required in paragraph (a) of this section within six months after completion of the audit.

(c) Any individual or firm conducting an audit described in this section shall give the Department of Education's Inspector General access to records or other documents necessary to review the results of the audit.

(d) A grantee shall repay to the Treasury of the United States any grant funds it received that it did not expend or use to carry out the allowable activities included in its approved application within ten years following the date of the initial grant it received under this part.

(Authority: 20 U.S.C. 1063a)

§ 609.43 Under what conditions does the Secretary terminate a grant?

The Secretary terminates any grant under which funds were not expended if an institution loses—

(a) Its accredited status; or

(b) Its legal authority in the State in which it is located.

(Authority: 20 U.S.C. 1063a)

PART 611—TEACHER QUALITY ENHANCEMENT GRANTS PROGRAM

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AUTHORITY: 20 U.S.C. 1021 *et seq.* and 1024(e), unless otherwise noted.

SOURCE: 65 FR 1782, Jan. 12, 2000, unless otherwise noted.

Subpart A—General Provisions

§ 611.1 What definitions apply to the Teacher Quality Enhancement Grants Program?

The following definitions apply to this part:

High-need local educational agency (LEA) means an LEA that meets one of the following definitions:

- (1) An LEA with at least one school—
 - (i) In which 50 percent or more of the enrolled students are eligible for free and reduced lunch subsidies; or
 - (ii) That otherwise is eligible, without receipt of a waiver, to operate as a schoolwide program under Title I of the Elementary and Secondary Education Act.
- (2) An LEA that has one school where—
 - (i) More than 34 percent of academic classroom teachers overall (across all academic subjects) do not have a major, minor, or significant course work in their main assignment field; or
 - (ii) More than 34 percent of the main assignment faculty in two of the core-subject departments do not have a major, minor, or significant work in their main assigned field.
- (3) An LEA that serves a school whose attrition rate among classroom teachers was 15 percent or more over the last three school years.

High-need school means an elementary, middle, or secondary school operated by a high-need LEA in which the school's students or teaching staff

meet the elements in paragraphs (1), (2), or (3) of the definition of a high-need LEA.

Main assignment field means the academic field in which teachers have the largest percentage of their classes.

Significant course work means four or more college-or graduate-level courses in the content area.

(Authority: 20 U.S.C. 1024(e))

§611.2 What management plan must be included in a Teacher Quality Enhancement Grants Program application?

(a) In addition to a description of the proposed multiyear project, timeline, and budget information required by 34 CFR 75.112 and 75.117 and other applicable law, an applicant for a grant under this part must submit with its application under paragraphs (a)(1), (a)(2)(i)(B), (a)(2)(ii), (a)(3)(i)(B), or (a)(3)(ii) of §611.3, as appropriate, a management plan that includes a proposed multiyear workplan.

(b) At a minimum, this workplan must identify, for each year of the project—

- (1) The project's overall objectives;
- (2) Activities that the applicant proposes to implement to promote each project objective;
- (3) Benchmarks and timelines for conducting project activities and achieving the project's objectives;
- (4) The individual who will conduct and coordinate these activities;
- (5) Measurable outcomes that are tied to each project objective, and the evidence by which success in achieving these objectives will be measured; and
- (6) Any other information that the Secretary may require.

(c)(1) In any application for a grant that is submitted on behalf of a partnership, the workplan also must identify which partner will be responsible for which activities.

(2) In any application for a grant that is submitted on behalf of a State, the workplan must identify which entities

in the State will be responsible for which activities.

(Approved by the Office of Management and Budget under control number 1840-0007)

(Authority: 20 U.S.C. 1021 *et seq.*)

[65 FR 19609, Apr. 11, 2000, as amended at 70 FR 13374, Mar. 21, 2005]

§611.3 What procedures does the Secretary use to award a grant?

The Secretary uses the selection procedures in 34 CFR 75.200 through 75.222 except that—

(a) *Application procedures for each program.* (1) For the State Grants Program, the Secretary evaluates applications for new grants on the basis of the selection criteria and competitive preference contained in §§611.11 through 611.13.

(2) For the Partnership Grants Program, the Secretary may use a two-stage application process to determine which applications to fund.

(i) If the Secretary uses a two-stage application process, the Secretary uses—

(A) The selection criteria in §§611.21 through 611.22 to evaluate pre-applications submitted for new grants, and to determine those applicants to invite to submit full program applications; and

(B) For those applicants invited to submit full applications, the selection criteria and competitive preference in §§611.23 through 611.25 to evaluate the full program applications.

(ii) If the Secretary does not use a two-stage application process, the Secretary uses the selection criteria and competitive preference in §§611.23 through 611.25 to evaluate applications.

(3) For the Teacher Recruitment Grants Program, the Secretary may use a two-stage application process to determine which applications to fund.

(i) If the Secretary uses a two-stage application process, the Secretary uses—

(A) The selection criteria in §611.31 to evaluate pre-applications submitted for new grants, and to determine those applicants to invite to submit full program applications; and

(B) For those applicants invited to submit full applications, the selection criteria in §611.32 to evaluate the full program applications.